

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Case No. 07-20141
HON. GEORGE CARAM STEEH

vs.

EZELL JOHNSON,

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR
REDUCTION OF SENTENCE (DOC. # 82)

In July 2013, defendant Johnson filed a second *pro se* motion "for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and 18 U.S.C. § 3553(a)." Shortly thereafter, this court entered an order, noting that the Fair Sentencing Act of 2010 might have an impact on defendant's sentence and appointing counsel to determine his eligibility.

Defendant received a 10 month reduction in sentence in 2011 after he filed his first motion for a sentence reduction, based on the retroactive amendments to the crack cocaine guidelines.

The court has now received the government's response to defendant's current motion, as well as a notice provided by defendant's counsel concerning his eligibility for a sentence modification. Both properly conclude that defendant is not eligible for any further reductions, for the reason that § 3582(c)(2) does not permit a reduction of a sentence already at the statutory minimum sentence. U.S.S.G. § 1B1.10 cmt. n. 1; United States

v. Hammond, 712 F.3d 333, 335-36 (6th Cir. 2013). Accordingly, defendant's motion is **DENIED**.

IT IS SO ORDERED.

Dated: January 21, 2014

s/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 21, 2014, by electronic and/or ordinary mail.

s/Marcia Beauchemin

Deputy Clerk